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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/874,507

06/05/2001

Robert Stanley Arling

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11/17/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

AL HASHEMI, SANA A

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/874,507

Applicant(s)

ARLING, ROBERT STANLEY

Examiner

Sana Al-Hashemi

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3 and 5-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is issued in response to applicant's RCE/amendment filed 10/24/06.
2. Claims 1-3 and 5-18 are presented. Claim 4, was canceled. None were added.
3. Claim Status: 1- 3 and 5-18 are pending.

### ***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/06 has been entered.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, and 5-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans (US Patent No. 6,347,329).

**Regarding Claims 1, 8, 9, 16, 17 and 18**, Evans discloses a method of generating a medical<sup>1</sup> report, comprising:

displaying a plurality of pre-chosen findings comprising a plurality of medical condition that are associated with a particular portion or sub-portion of a living body, and a separate medical report simultaneously on an electronic display, the medical report comprising a summary section (see Fig. 5, 191, 193, 154, 151, column 6, lines 45-53, Evans);

selecting at least one of said pre-chosen findings based on a diagnosis of the particular portion or sub-portion of the body (see column 6, lines 54-59, Evans);

automatically copying electronically said selected at least one pre chosen findings from the displayed per-chosen findings into the summary section of the medical report upon an indication that it is desired that said selected findings be add to the summary section (see column 5, lines 6-33, Evans<sup>2</sup>);

selecting a subset of said selected at least one of said pre-chosen findings (Fig. 20, step 334, and 335, Evans); and

copying electronically said subset of said selected ones of said pre-chosen findings into a second area of the summary section, wherein said subset of said selected at least one of said pre-chosen findings are displayed in addition to, and separately from said selected at least one of said pre-chosen findings (Fig. 20, step 337, and 338, Col. 11, lines 43-56, Evans), thereby

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<sup>1</sup> Examiner did not give the term “medical” any patentability weight since it is regarded as an intended use.

<sup>2</sup> Examiner reads the user is the health care provider and all the updates taking place upon their desire.

automatically generating said summary section (Fig. 7, and Fig. 21, 350, wherein the display of a patient information generated as a summary corresponds to the newly added limitation).

**Regarding Claims 2, and 10,** Evans discloses a method wherein the medical report further comprises a plurality of group sections, and automatically copying electronically each pre-chosen finding into a group section of the plurality of group sections which corresponds to the pre-chosen finding upon an indication that it is desired that said selected findings be add to the summary section of the medical report (see column 5, lines 42-57, Evans).

**Regarding Claims 3, 6, 11, and 14,** Evans discloses a method further comprising the steps of:

receiving for a second time a selection of said respective pre-chosen finding from the displayed pre-chosen findings, the second selection of said pre-chosen finding being previously selected and copied into the summary section of the medical report (see column 6, lines 55-64, Evans<sup>3</sup>); and

automatically removing electronically the second selected pre-chosen finding from the summary section of the medical report upon an indication that it is desired that said selected finding be removed from the summary section of the medical report (see column 10, lines 56-63, Evans<sup>4</sup>).

**Regarding Claims 5, and 13,** Evans discloses a method further comprising:

displaying on the electronic display an indicator next to the selected pre-chosen finding, separate from the medical report, (see Fig. 20, indicator 001, Evans).

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<sup>3</sup> By allowing the user to select more than one form, reads on second form as the claimed limitation.

<sup>4</sup> The method of ending and restarting the process reads on removing data.

**Regarding Claims 7, and 15,** Evans discloses a method wherein the copying further comprises converting the selected pre-chosen finding into a more descriptive form before copying into the summary section (see Fig. 20, 335, Evans).

**Regarding Claim 12,** Evans discloses a method further comprising selecting the pre-chosen findings from a list of available findings (see Fig. 20, 334, Evans).

***Response to Amendment***

Applicant's arguments filed 10/24/06 have been fully considered but they are not persuasive.

Applicant argues Evans's system fails to teach the newly amended limitation combined with the rest of the limitations.

Examiner disagrees. The newly amended limitation has been addressed in the rejection above.

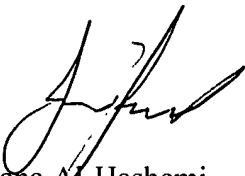
***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (571) 272-4013.

The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
November 9, 2006